

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, OCTOBER 23, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Artie Crocker, Stephen Farr, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: John Bruno, Ron Lopez, Heather Mellem, Scott Morrison, Brandon Riley, Jack Sullivan

P. Alpert opened the public meeting at 7:38pm.

MINUTES:

Motion to approve the minutes of September 25, 2014 (as amended), by J. Carter Bernardo, seconded by C. Rhoades, approved 5-0-2. (P. Alpert & S. Farr abstained)

ENFORCEMENT & VIOLATION UPDATES:

1302 SOUTH STREET

D. Anderson reported that she had met Ardi Rrapi of Cheney Engineering at the property. An existing Order of Conditions allowed for the removal of an existing garage/shed located at the top of the driveway and expansion of the gravel driveway into that area. The homeowners have paved the driveway that was to remain gravel per the approved Order of Conditions within the 100-foot and 25-foot Buffer Zones. One issue is the driveway is relatively steep and there is no catch basin to catch the driveway runoff. There is the possibility of the driveway runoff flowing off the side of the driveway and entering the wetlands. D. Anderson stated that after all the rain received, she visited the property earlier in the day to check for any runoff eroding the hillside and/or entering the wetlands. She found no evidence of erosion and/or runoff entering the wetland from the driveway. The homeowners are unable to come to speak to the Commission about the violation until the next meeting on November 6, 2014. Ardi Rrapi will provide calculations as to what additional impervious area has been added to the Bordering Vegetated Wetlands Buffer Zone and propose a solution to the drainage issue. As the work is already completed, the Commission agreed to table the issuance of an Enforcement Order until after they speak with the homeowner at the November 6th, 2014 meeting.

10-12 CHARLES STREET

M. Varrell reported that the Applicant had not filed but M. Varrell will be meeting with the owner to get a firm schedule in place. They have hired a consultant and are looking to Matt for some guidance as to what the Commission is looking for. The Commission wishes to see the filing submitted by the November 25th deadline in order to be on the December 11th agenda.

695 CHARLES RIVER STREET

The homeowner, Stephen Sands, was present. M. Varrell reported that the owner had filed the Request for Determination of Applicability today, by the deadline. J. Carter Bernardo explained that the Commission had requested that Mr. Sands come to this evening's meeting so they could advise him about the wetland resources on his property. Mr. Sands stated that he knew there was mitigation plantings installed because he took over watering them when he bought the property but he didn't realize the extent of the Commission's jurisdiction. The Commission discussed which proposed projects would need approval prior to commencing them. Mr. Sands mentioned that he had received a generator permit and was not

informed to contact Conservation first. Mr. Sands stated he hoped to install a gazebo in the Buffer Zone. The Request for Determination of Applicability will be on the Agenda on November 6th, 2014 at 7:45 pm.

HEARINGS

50 ROBINWOOD AVENUE (DEP FILE #234-713) – NOTICE OF INTENT AMENDMENT REQUEST

Applicant: Needham Miller LLC, John Bruno

Project: The existing approval is for the demolition of the existing single-family house, detached garage, and associated site features and construction of a new single-family house with attached garage, porch, deck and associated site features including a paved driveway and walkway, underground utilities, retaining walls, runoff collection and infiltration systems, removal of one (1) eastern hemlock tree and planting of 2 replacement trees, re-naturalization of the lawn portion of the BVW with native woody plantings, and associated grading, lawn and landscaping within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The Amendment is related to the conversion of the approved 142 s.f. deck to a 160 s.f. screened porch, conversion of a 140 s.f. approved lawn area to a grass/paved driveway expansion, conversion of a 96 s.f. approved lawn area to a pervious paver patio with a portable hot tub and relocation of the northern retaining wall 4 feet to the south with the construction of a slight lawn swale to the north of the wall.

Present for the Applicant: Scott Morrison of EcoTec, Inc.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received May 8, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit received May 8, 2014
- ❑ Plan entitled: “Proposed Conditions Site Plan, 50 Robinwood Avenue, Needham Massachusetts”, prepared by Dellorco & Associates, stamped by Tsung Ting Chiang P.E. No. 23891 and Anthony M. Dellorco P.L.S. No. 34303, dated 5/1/14 (revised 5-20-14).
- ❑ Drainage Summary, 50 Robinwood Avenue, Needham, Massachusetts, prepared by Lakeview Engineering Associates, stamped by Tsung Ting Chiang P.E. No. 23891, dated 5/6/14.
- ❑ **Plan entitled: “Proposed Conditions Site Plan, 50 Robinwood Avenue, Needham Massachusetts”, prepared by Dellorco & Associates, stamped by Tsung Ting Chiang P.E. No. 23891 and Anthony M. Dellorco P.L.S. No. 34303, dated 5/1/14 (revised 9-15-14).**

P. Alpert opened the public meeting at 7:50 p.m. Scott Morrison of EcoTec, Inc. presented the proposed Amendments to the Order of Conditions to the Commission including:

- conversion of the approved 142 s.f. deck to a 160 s.f. screened porch.
- conversion of a 140 s.f. approved lawn area to a grass/paved driveway expansion.
- conversion of a 96 s.f. approved lawn area to a pervious paver patio with a portable hot tub.
- relocation of the northern retaining wall 4 feet to the south with the construction of a slight lawn swale to the north of the wall.

S. Morrison stated that the Applicant had submitted a letter from the Engineer stating the drywells that were installed were sized appropriately for the additional proposed impervious area including the 140 s.f. driveway turn around area.

Comments from the Commission:

- J. Carter Bernardo asked if a test pit had been excavated prior to drywell installation. John Bruno replied that they had excavated three (3) test pits.

Comments from the public:

None.

Motion to close the public hearing for 50 ROBINWOOD AVENUE (DEP FILE #234-713), by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.

Motion to issue the Amended Order of Conditions for 50 ROBINWOOD AVENUE (DEP FILE #234-713), by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.

1155 CENTRAL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY

Applicant: Town of Needham, DPW Parks & Forestry Division

Project: A portion of the Town's proposed improvements to the Eastman Conservation Area includes replacing/rebuilding the existing boardwalk and dock area, which have fallen into disrepair. A series of test helical piers will need to be performed to obtain soil information pertinent to the design of the proposed boardwalk and dock. This filing is related only to the work associated with performing test helical piers.

Present for the Applicant: Brandon Riley of Weston & Sampson

Supporting Documents include:

- ❑ Request for Determination of Applicability and supporting documents, received October 9, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received October 9, 2014

P. Alpert opened the public meeting at 8:10 p.m. Brandon Riley of Weston & Sampson presented the Request to the Commission. He explained the need for the test piers and noted a similar system was used at Ridge Hill Reservation for the boardwalk. They plan to install a total of 5 piers maximum. One test pier is proposed at the location of the new dock and the remaining 4 piers are proposed along the alignment of the new boardwalk. They will use the existing structures to access the areas and perform the work by hand. They will install the pier in a location, record necessary data, remove the pier, and proceed to the next test site.

Comments from the Commission:

None

Comments from the public:

None.

Motion to close the public hearing for 1155 CENTRAL AVENUE, by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.

Motion to issue a Negative Determination of Applicability for 1155 CENTRAL AVENUE, by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.

65 CURVE STREET - NOTICE OF INTENT (DEP FILE #234-723)

Applicant: Hillcrest Development

Project: Proposed regrading of an existing single-family lot, including the removal of one (1) Norway maple tree, replacement with two (2) native trees and the construction of a stone retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

M. Varrell reported that the Applicant had requested a continuance until the November 6, 2014 Conservation Commission Meeting.

Motion to continue the public hearing to November 6, 2014 @ 8:15 pm, as requested by the Applicant, for 65 Curve Street (DEP FILE #234-723), by J. Carter Bernardo, seconded by C. Rhoades, approved 7-0-0.

OTHER BUSINESS

15-17 BIRCH STREET (DEP FILE #234-709) – MINOR MODIFICATION REQUEST

21-23 BIRCH STREET (DEP FILE #234-708) – MINOR MODIFICATION REQUEST

27-29 BIRCH STREET (DEP FILE #234-707) – MINOR MODIFICATION REQUEST

33-35 BIRCH STREET (DEP FILE #234-706) – MINOR MODIFICATION REQUEST

Jack Sullivan of Sullivan Engineering Group and the Owner, Ron Lopez were present. J. Sullivan explained the reason for the Minor Modification Requests for the Birch Street properties. He stated that the Owner is looking to install sod along the rear of the properties up to the existing fence and install an irrigation system. He noted that historically, the area up to the fence had been maintained as lawn but has not been mowed for a period of time allowing for the establishment of shrubs and ground cover beyond a small mowed section. No trees are proposed for removal.

J. Sullivan stated that he had included a request for a waiver for work in the 25-foot Buffer Zone to Bordering Vegetated Wetlands with the Minor Modification Request submittal. In addition, they requested a waiver of the waiver fee. P. Alpert asked for a description of the proposed irrigation system installation. J. Sullivan explained trenches would be excavated once the sod was in place and tubes would be installed to sprinkler heads.

P. Alpert explained that the waiver request submitted was not adequate. The request requires an analysis based on the “Waiver for Work in the 25-Buffer Zone” portion of the Town of Needham Wetlands Bylaw. The Commission needs the Waiver Request in writing. J. Carter Bernardo noted the 200-foot Riverfront Area line was not on the Plan submitted. Mr. Sullivan also requested permission to install PVC fencing between the lots to the chain link fence. P. Alpert informed Mr. Sullivan to add this modification to the plan and Minor Modification request. The Commission discussed limiting the use of herbicides and fertilizers on the sod due to the proximity of the wetlands. S. Farr questioned the use of monumentation at the 25-foot Buffer Zone in this instance. P. Alpert explained, in this case, the lawn area is so small and the existing chain link fence acts as a boundary. The Commission discussed having the Applicant add as part of their mitigation on the Waiver Request to use only “Organic Fertilizer” and no herbicides or pesticides on the rear lawn. J. Sullivan agreed to include this in the Request.

1133 SOUTH STREET (DEP FILE # 234-688) – CERTIFICATE OF COMPLIANCE REQUEST

D. Anderson reported that she had visited the site and found the work depicted on the As-Built Plan in compliance with the Proposed Site Plan and noting no deviations. The site is stable.

Motion to issue a Certificate of Compliance for work at 1133 SOUTH STREET (DEP File #234-688) by J. Carter Bernardo, seconded by S. Soltzberg, approved 7-0-0.

BIDDING FOR THE FULLER TRAIL BOARDWALK – RESULTS

M. Varrell gave an update to the Commission regarding the bidding for the Fuller Trail boardwalk. A spreadsheet was provided detailing the bidding results for the project. M. Varrell reported that only two (2) firms had bid on the project while seven (7) had shown interest. The bids that were received were beyond the available funding for the project. M. Varrell stated that the bids would need to be rejected due to lack of funding and that he plans to follow-up with the designer and the bidders to discuss value engineering. It is possible that the existing Order of Conditions for the Fuller Trail may need to be

modified to allow construction methods that are less costly. The Commission indicated that they would be open to considering such modifications.

CONSERVATION LAND ADVISORY COMMITTEE – DISCUSSION

P. Alpert discussed the formation of a Conservation Land Advisory Committee, as first discussed several months prior. The proposed make up of the Commission would be 2 or 3 representatives of the Conservation Commission, as well as inviting members of the general public to join. The purpose of the Committee would be to make recommendations to the Conservation Commission regarding Conservation Commission owned properties in Town. P. Alpert, A. Crocker and P. Oehlkers expressed interest in joining the Committee. M. Varrell suggested placing the information on the Town's website inviting the Public to join the Committee. P. Alpert and the other potential members of the Committee will put together a description of the Committee's purpose and direction for M. Varrell to put on the website.

ALL BOARDS MEETING – UPDATE

Members of the Commission that attended the "All Boards Meeting" gave the rest of the members an update. The primary focus of the discussion was the results of the Facilities Working Group's efforts over the past year.

Motion to adjourn the meeting by S. Soltzberg, seconded by C. Rhoades, approved 7-0-0.

The meeting was adjourned at 9:25 pm.

NEXT PUBLIC HEARING

Thursday, November 6, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.